

## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/786,027	05/15/2001	Stephan Raymond Achs	38827-205276	3993	
826 7	590 06/17/2002				
ALSTON & I		EXAMINER			
101 SOUTH T	IERICA PLAZA RYON STREET, SUIT	TE 4000	JONES, DAVID B		
CHARLOTTE, NC 28280-4000			ART UNIT	PAPER NUMBER	
			3725		
			DATE MAILED: 06/17/2002	DATE MAILED: 06/17/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Applicant(s)   Applicant(s)   Applicant(s)   AcHS ET AL.			A1				
### David B Jones   3725    - The MAKING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALINING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions at 37 CFR 1.136(a), in no event, however, may a reply be timely filed.  If the period to may append advise last with the Cyclopy and will only period to the may be available under the provisions at 37 CFR 1.136(a), in no event, however, may a reply be timely filed.  If the period to may append advise last with the TI, 136(a), in one event, however, may a reply be timely filed.  If the period correlation is period to the set with the Cyclopy and will only period to distribute them of the mainting date of this communication, event if shring (30) days will be considered timely.  If the period correlation is period by the Ofice alient than there meridial after the mainting date of this communication, event if shring (30) days will be considered timely.  Any copy received by the Ofice alient has there meridial pate of this communication, event if shring (30) days will be considered timely.  Any copy received by the Ofice alient has there meridial pate of this communication, event if shring (30) days will be considered timely.  Any copy received by the Ofice alient and the remaining date of this communication.  1) Responsive to communication(s) filed on 15 May 2001.  2(a) This action is FINAL. 2(b) May 175 his action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-29 isfare pending in the application.  4) Claim(s) 1-29 isfare rejected.  7) Claim(s) 1-29 isfare rejected.  1) The specification is		Application No.	Applicant(s)				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for only specified above is less than thirty (30) and, a map of whith the statisticy memory and period in the period for only specified store is less than thirty (30) and, a map of whith the statisticy memory and in the statisticy memory and will be considered timely.  If the period to reply specified shows the maximum statisticy period all agains and will be seen statistic than the mailing date of this communication.  If the period to reply specified shows the market manufacture and will be seen and statistic than the statistic period all agains and will be seen and statistic than the statistic period all agains and will be seen and statistic than the statistic period all agains.  Any reply received by the Office later than these months after the maining date of the communication, even if stringly field, may reduce any seamed against on adjustment. Seen 37 CFR 17-06.  Status  Status  Status  Status  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-29 is/are pending in the application.  4) Of the above claim(s) none is/are withdrawn from consideration.  5) Claim(s) is sifare allowed.  6) Claim(s) is sifare allowed.  6) Claim(s) is sifare allowed.  6) Claim(s) is sifare allowed.  7) Claim(s) is sifare allowed.  10) The drawing(s) filed on is/are: allowed.  11) The proposed drawing correction filed on is allowed and provide the provide statistic in additional provide statistic in signate. The provide statistic in signate is allowed.  11) The proposed drawing correction filed on is allowed.  12		09/786,027	ACHS ET AL.				
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time tray be available index for a possible on 3 3° CFR 1.156(a), in no event, however, may a reply be timely field  Extensions of time tray be available index for a possible on 3 3° CFR 1.156(a), in no event, however, may a reply be timely field  Extensions of time tray be available index for a possible of 15° CFR 1.156(a), in no event, however, may a reply be timely field  Extensions of time tray be available index for a possible of 15° Communication of this (20° days will be considered timely).  If NO period for reply is apecified above, the maximum statutory period will apply and well expire \$2.0° (b) MONTTS from the marking date of this communication.  If NO period for reply is apecified above, the maximum statutory period will apply and well expire \$2.0° (b) MONTTS from the marking date of this communication.  Any reply revised by the official set than three morths after the marking date of this communication, wen't kindly fled, may reduce almy examined patient term adjustment. See 3° CFR 1.704(b).  Status  1) □ Responsive to communication(s) filled on 15 May 2001.  2a) □ This action is FINAL.  2b) □ This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 c.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) □ is/are allowed.  5] □ Claim(s) □ is/are allowed.  5] □ Claim(s) □ is/are allowed.  5] □ Claim(s) □ is/are objected to.  8] □ Claim(s) □ is/are objected to.  9] □ The drawing(s) filled on □ is/are is) □ accepted or b) □ disapproved by the Examiner.  Application Papers  9] □ The drawing(s) filled on □ is/are: o) □ accepted or b) □ disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  17) □ The orath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) □ Acknowledgmen			<u> </u>				
THE MAILING DATE OF THIS COMMUNICATION  - Enteriors or the may be available under the provisions of 3 CFR 1.15(6). In no event, however, may a raply be timely field after SX (6) MONTIS from the mailing date of this communication.  - It NO period to reply is specified to the the mailing date of this communication.  - It NO period for epily signified between the mailing date of this communication.  - Failuse to reply within the set of celerated period for reply will. by altatute, cause the application to become ARANDONED (3d U.S. C, § 133).  - Any tways received by the office were than the mornish either her implied gode of this communication.  - Failuse to reply within the set of celerated period for reply will. by altatute, cause the application to become ARANDONED (3d U.S. C, § 133).  - Any tways received by the office were than the mornish either her implied gode of this communication, even it limitly tiled, may reduce any  - Status  - Status  - 1)② Responsive to communication(s) filled on 15 May 2001.  - 2a)☐ This action is FINAL.  - 2b)② This action is FINAL.  - 2c)② Interior of Claims  - 4b)② Claim(s) 1-29 is/are pending in the application.  - 4a) Of the above claim(s) none is/are withdrawn from consideration.  - 5b)② Claim(s) 1-29 is/are allowed.  - 6b)② Claim(s) 1-29 is/are allowed.  - 7b)☐ The drawing(s) filed on 1-25 is/are allowed.  - 8b)☐ Claim(s) 1-29 i							
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Application/Control Number: 09/786,027

Art Unit: 3725

## **DETAILED ACTION**

Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being 1. indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the limitation, "comprising a joint body and a joint receiver, which extend substantially crosswise to the longitudinal direction of the energy line guide chain, with a joint body of a chain link engaging a joint receiver of an opposite link plate", is incomplete and indefinite. It has not been pointed out that the joint body lies on one end of the link and the receiver on the other and that the joint body of one link engages the receiver of the adjacent link, etc. Amplification in the claim is required. Further in claim 1, "the partially overlapping link plates" lacks antecedent basis. Finally the last 5 lines of claim 1 are contradictory to that of the disclosure. The claim calls for: "the joint body (6, 26, 42) comprises two diametrically opposite outer surface areas (18) and the joint receiver (7,27,46) two diametrically opposite inner surfaces (19). The specification on the other hand and contrary to the claim calls for on page 18, lines 4 and 5, a joint body having an inner surface 19 and the joint receiver having an outer surface 18. The claim calls for the inner and outer surfaces to be the only surfaces to "lie against each other" whereas the specification calls for them to be spaced to form a "crescent-shaped" gap (page 18, line 7). Correction is required. In claim 2, "the normal lines" lack antecedent basis and render the claim indefinite as to its meaning. Claim 5 fails to positively recite structure to provide the claim movement; the

Page 3

Application/Control Number: 09/786,027

Art Unit: 3725

limitation "adapted" fails to positively recite such structure. In claim 7, "its free end" lacks antecedent basis. In claim 8, it is not clear the location of the cavity nor it use and the limitation, "with a play" is not clearly understood. In claims 10 and 11, reference to "he portion and the portion" renders the claim indefinite in that it is not clear the antecedent basis of each "portion". In claim 12, it is not clear what makes for "two spaced-apart outer joint axes". Further "the joint axes", line 5 of claim 12, lacks clear antecedent basis. Finally in claim 12, "whose overall extension" renders the claim indefinite and unclear. In claim 13, "in a stretched state" renders the claim indefinite and is unclear in nature. Further in claim 13, "in a curve region" is indefinite and unclear. In claim 14, "its one end" lacks antecedent basis and "a film hinge is indefinite and unclear. In claim 15, "the region of the film hinge" lacks antecedent basis, "a closed position" has not been defined, and "an edge of the link plate" is indefinite and undefined. In claim 17, "its one end" and "its other end" lack clear antecedent basis. The limitation, "designed and constructed" is indefinite and unclear. In claim 18, the limitation "in particular" renders the claim indefinite. Further the term "adapted" is vague and indefinite. Claims 19-29 have not been treated herein but contain the same type indefinite and unclear limitations as the claims treated supra and should be reviewed and amended into proper claim form.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The claim 4 embodiment has not been disclosed in the specification.

Application/Control Number: 09/786,027

Art Unit: 3725

5,027 Page 4

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show that claimed in claim 4, i.e., the joint body being oval and the receiver being cylindrical. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

- 4. Claims 1-29 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
- 5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. JONES whose telephone number is (703) 308-1887.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant(s) wishes to communicate via Fax, the current Fax number for Group 3700 is (703) 305-3579

**DBJ** 

DAVID B. JONES
PRIMARY PATENT EXAMINER
ART UNIT 3725

Application/Control Number: 09/786,027

Art Unit: 3725

Page 5